

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant : Saeed Ganji
Application No. : 09/346,354
Filed : 2 July 1999
For : PRINTER DESCRIPTION FILE FORMAT GENERATOR
Group Art Unit : 2624
Examiner : KING Y. POON

REPLY BRIEF

Appellant submits this brief in reply to the Examiner's Answer mailed 27 August 2003, pursuant to the appeal from the Examiner's final rejection dated 25 November 2002.

ARGUMENT

The Examiner's answer maintains the rejection of claims 1-4, 9 and 11 under 35 U.S.C. § 103(a) as obvious over deSilva U.S. Patent No. 5,857,064 ("deSilva") in view of Andrews et al. U.S. Patent No. 5,768,564 ("Andrews"). Appellant disagrees, and respectfully requests that the Board reverse the decision of the Examiner.

Summary of Independent Claims

Amended independent claim 1 recites a development environment for producing a PostScript® Printer Description ("PPD") text file, the development environment comprising a base PPD text file that comprises information regarding a printer, the information including text in a first language, and a PPD generator adapted to import the base PPD text file and to generate therefrom a second PPD text file that includes text translated from the first language to a second language. Amended independent claims 3 and 4 recite methods for generating or revising a PPD text file, the methods comprising providing a base PPD text file that comprises information regarding a printer, the information including text in a first language, the base PPD text file adapted for a first software platform, providing a build file that comprises information as to how the base PPD text file should be edited to provide a second PPD text file that includes text translated from the first language to a second language, and implementing the build file to generate the second PPD text file.

Summary of Examiner's Answer

With regard to independent claim 1, the Examiner asserts that deSilva teaches many of the claim elements, but does not describe a developer that uses a PPD generator to import a base PPD and generate therefrom a second PPD text file that includes text translated from a first language to a second language. The Examiner asserts, however, that Andrews "in the same area of developing computer programs for computers to execute" teaches that a programmer may write and maintain a computer program in a source language and use a translator to translate the source code to other languages. The Examiner further asserts that it would have been obvious to modify deSilva to use translators to import a base PPD and generate therefrom a second PPD

text file that includes text translated from a first language to a second language because “it would save time and effort for the PPD file developer by avoiding rewriting complex and difficult programs in multiple languages to run on multiple brands of computers.”

With regard to independent claims 3 and 4, the Examiner asserts that deSilva teaches many of the claim elements, but does not describe translating text from a first language to a second language. The Examiner asserts, however, that Andrews “in the same area of developing computer programs for computers to execute” teaches that rewriting computer programs to run in multiple languages is impractical, and that a programmer may write and maintain a computer program in a source language and use a translator to translate the source code to other languages. The Examiner further asserts that it would have been obvious to modify deSilva to translate text from a first language to a second language, once again because “it would save time and effort for the PPD file developer by avoiding rewriting complex and difficult programs in multiple languages to run on multiple brands of computers.”

Discussion

This invention has nothing to do with converting complex graphical primitives into less complex graphical primitives that can be directly imaged by a PDL, and has nothing to do with translating computer programs between high-level computer programming languages. Nevertheless, the Examiner has cited two references that describe such varied subject matter to reject as obvious the claims of this invention. In so doing, the Examiner has failed to establish a prima facie case of obviousness, has ignored the prohibition that an obviousness determination may not be based on hindsight, and has selectively culled various words and phrases from deSilva and Andrews to reconstruct the claimed invention. Appellant respectfully submits that the Examiner’s hindsight reconstruction of the claimed invention is impermissible, and respectfully requests that the Board reverse the § 103 rejections.

This invention describes and claims methods and apparatus for generating PPD text files. A PPD text file is not a computer program, is not written in a computer programming language, and is not a “complex and difficult program.” Indeed, as set

forth on the very first page of this application:

A PPD file is not a printer driver. It is an information file, in ASCII format, that is used by a printer driver loaded by an operating system or application program. Because PPDs are all written in ASCII-text format, they are not limited to a specific software environment or platform. An ASCII-text PPD file can therefore be used equally well in Windows, MAC-OS, and UNIX environments, and by a variety of software applications.

Spec. at 1, lines 26-33.

More specifically, a PPD file contains human-readable text strings used in user-interface dialogs. The specification states that

a manufacturer of PPDs has to provide several PPD files that are each suited for a particular environment so that a majority of potential users can take advantage of their benefits. One such situation arises with PPD files for languages other than English. Since PPD files contain strings used in user-interface dialogs, these strings need to be translated for all supported languages. The way different [PostScript printer] drivers interpret non-English characters, such as “graves”, “acutes” and “umlates”, are different on different platforms. So a French PPD for the Macintosh platform is different than a PPD for Windows 3.1 at least when it comes to these strings.

Spec. at 2, lines 14-21.

To solve this problem, the claimed invention provides methods and apparatus for generating from a base PPD text file a second PPD text file that includes text translated from a first language to a second language. Thus, this invention is not directed to “developing computer programs for computers to execute,” and is not concerned with converting software programs from one computer programming language to another computer programming language.

Unlike the claimed invention, deSilva describes an imaging system that includes a printer handler, which is “a type of printer driver that controls and drives a specific printer; its purpose is to convert textual and graphical objects into printer readable form for any particular printer type.” (Col. 10, lines 42-45). The printer handler and printer read a printer “personality ‘document,’” which is created and given to the printer developer (i.e., the printer manufacturer), who can “edit” the objects in the

personality document or replace them with printer-specific implementations. (Col. 12, lines 49-51; Col. 13, lines 31-32). By way of example, deSilva lists selected entries from a PPD file to illustrate features of the PPD that can be used to determine attributes of a PostScript printer. (Col. 18, line 29 through Col. 19, line 5). Andrews, in contrast, relates to automated translation between high-level computer programming languages. (Col. 1, lines 8-9). Specifically, Andrews describes methods and apparatus for automatically translating software source code from one high-level programming language to source code in another high-level programming language. (Col. 2, lines 56-59; Col. 4, lines 13-18).

As the Examiner concedes, deSilva does not describe the claimed invention. In particular, the Examiner agrees that deSilva does not describe a PPD generator adapted to import a base PPD text file and to generate therefrom a second PPD text file that includes text translated from the first language to a second language. Ex. Ans. at 3. Further, the Examiner implicitly agrees that deSilva does not describe providing a build file that comprises information as to how a base PPD text file should be edited to provide a second PPD text file that includes text translated from a first language to a second language. Ex. Ans. at 5. However, to fill the voids that deSilva does not supply, the Examiner repeatedly cites Andrews, “in the same area of developing computer programs for computers to execute.” Ex. Ans. at 3, 5, 7, 10 and 11. The Examiner’s obviousness arguments are unconvincing and flawed.

Indeed, the Examiner has failed to make out a prima facie case of obviousness by identifying objective evidence that a person of ordinary skill in the relevant art would be motivated to combine deSilva and Andrews. Instead, the Examiner asserts that (1) Andrews is “in the area of developing computer programs for computers to execute,” (2) deSilva teaches developing a PPD text file for a computer, (3) a PPD developer (programmer) “logically would worry about whether his development would be useable by the computer system because the computer may not be able to read the PPD text file if the PPD text file is not written in a language understandable by the computer,” (4) after reading Andrews, a person of ordinary skill in the art would “modify the PPD text file development method of deSilva to use a generator adapted to import the PPD text file and generate a second PPD text file that includes text translated from the first language to a second language.”

Contrary to the Examiner's assertions, deSilva has nothing to do with "developing computer programs for computers to execute," and does not describe or suggest developing a PPD text file for a computer. deSilva at most includes a tangential reference to features of a PPD text file that may be used to determine attributes of a PostScript printer. Further, there is no objective evidence that a PPD developer would "worry" about whether a PPD text file is written in a computer programming language "understandable by [a] computer." PPD text files are not written in computer programming languages, so the alleged fear makes no sense.

Instead, as the specification indicates, two different PostScript printer drivers may interpret non-English text characters in a PPD text file in two different ways. That fact, however, has nothing to do with the ability of a computer to "read" a PPD text file, and has nothing to do with whether the PPD text file is written in a "language understandable by the computer." Further, because PPD text files are not written in computer programming languages, there is no logical reason that anyone would be motivated to somehow modify deSilva, which describes determining printer attributes from a PPD text file, by applying Andrews, which describes automated translation between high-level computer programming languages.

Even if there were some motivation to combine deSilva and Andrew, the combined result would not produce anything functional, and would not produce the claimed invention. Indeed, it is incomprehensible how the disparate teachings of these two references could in any way be combined. Nothing in deSilva pertains to high-level computer programming languages, or translations between high-level programming languages, and nothing in Andrew pertains to converting textual and graphical objects into printer readable form for printers. Instead, it is clear that the Examiner seeks to combine the two wholly unrelated references only because deSilva mentions the word "PPD," and Andrew mentions translating languages (albeit high-level programming languages). There is no logical reason, however, why a person of ordinary skill in the relevant art would make such an implausible combination.

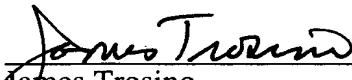
The Examiner has used hindsight gleaned from appellant's specification to attempt to cobble together the claimed invention by combining the disparate teachings of deSilva and Andrews. The law is clear that such hindsight reconstruction is

impermissible. Appellant respectfully requests that the Board reverse the § 103 rejections in this case.

Conclusion

Because the cited references, alone or combined, do not describe or suggest the claimed invention, appellant respectfully requests that the rejections of claims 1, 3 and 4 be reversed. Because claims 2, 9 and 11 depend from claim 1, appellant respectfully requests that the rejections of claims 2, 9 and 11 be reversed.

Respectfully submitted,



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